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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,390	01/30/2004	Kenji Hashinoki	P/1250-269	9443
2352	7590	10/18/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			MASINICK, MICHAEL D	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/769,390

Applicant(s)

HASHINOKI ET AL.

Examiner

Michael D. Masinick

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-10, 12, 14, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 17 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7, 8, 10, 12, and 14 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-5, 7-10, 12, 14, 16 and 17 are pending in this case.

#### ***Response to Arguments***

1. Applicant's arguments filed 8/25/2005 have been fully considered but they are not persuasive. The Goetzke reference clearly shows multiple output outlets (referred to as "ports") in column 5 (specifically lines 28-34) and in Figure 3 (10 in the bottom right corner). Applicant's assertion that Goetzke does not show "that the first substrate' is transferred by way of one of said plurality of substrate outlets and the second substrate is transferred by way of another one of said plurality of substrate outlets in the order that they are made ready for outward transfer". Examiner fails to see how this is not shown in the previously cited sections of Goetzke. Applicant only notes that Goetzke does not show these features and does no comparison of what is shown to the claim elements. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.
2. Examiner further notes that in any control system, the parts would be transferred "according to transport settings" and that this claim limitation is given no weight as all transfers in a computerized system must be done with a command.

#### ***Claim Rejections - 35 USC § 102***

Art Unit: 2125

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 7, 8, 10, 12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,809,510 to Goetzke et al.

3. Referring to claim 1, Goetzke shows an apparatus for performing a predetermined process on a group of substrates, the processing procedure of said group of substrates being determined for each substrate unit to be processed including at least one substrate, said apparatus comprising a plurality of cells each including: at least one processing unit (Column 1, line 16 “processing unit”); at least one substrate inlet (“ports 9” – Column 5, lines 50-55 – figure 3); a plurality of substrate outlets (“ports 10” – Column 5, lines 50-55 – figure 3); a transport element for transporting a substrate between said at least one processing unit, said at least one substrate inlet, and said plurality of substrate outlets (“conveyor system” or “cassette” depending on interpretation of the claim); and a controller for controlling said at least one processing unit and said transport element (column 2, lines 21-25), wherein said controller in each of said plurality of cells controls said transport element so that a substrate received into each cell by way of said at least one substrate inlet is transferred outwardly of each cell by way of one of said plurality of substrate outlets which is determined by transport setting established for each cell and for a substrate unit to which said substrate belongs, so that a second substrate received into each cell by way of said at least one substrate inlet is transferred outwardly of each cell by way of another

Art Unit: 2125

one of said plurality of substrate outlets which is determined by a second transport setting established for each cell and for a second substrate unit to which said second substrate belongs and so that substrates determined to be transferred outwardly by way of said one of said plurality of substrate outlets by said transport settings are transferred outwardly in the order in which said substrates are made ready for outward transfer.

4. Referring to claims 5, Goetzke shows all elements of these claims with respect to 1.

5. Referring to claim 7, Goetzke shows at least one of the plurality of cells includes at least one of a processing unit for processing a substrate using a chemical solution and a thermal processing unit for heating or cooling a substrate (Column 1, line 22).

6. Referring to claim 8, Goetzke shows all elements of these claims with respect to 1.

7. Referring to claim 10, Goetzke shows all elements of this claim with respect to 1 except wherein a first substrate belonging to a first substrate unit is received into each cell before the completion of an intra-cell process of a second substrate preceding said first substrate and belonging to a second substrate unit different in transport setting from said first substrate unit (Column 3, lines 8-20).

8. Referring to claim 12, Goetzke shows at least one substrate inlet includes a plurality of substrate inlets (Figure 3); said at least one processing unit includes a plurality of processing units (Figure 3); and said controller in each of said plurality of cells allows said transport element to outwardly transfer a substrate made ready for outward transfer earlier when substrates belonging to a plurality of substrate units different in transport setting are received into each cell by way of a common one of said plurality of substrate inlets and are subjected to an intra-cell process in a common one of the plurality of processing units (Column 3, lines 20-59).

Art Unit: 2125

9. Referring to claim 14, these additional elements have been shown with respect to their addition in claim 12.

*Allowable Subject Matter*

10. Claims 2-4, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 16 and 17 are allowed as written.

*Conclusion*

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2125

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Masinick whose telephone number is (571) 272-3746. The examiner can normally be reached on Mon-Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MDM

A handwritten signature in black ink, appearing to read "L. Picard", written in a cursive style.

LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100